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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,056	03/31/2006	Gijsbertus Johannes Verduijn	790063.00089	8504

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MILWAUKEE, WI 53202-4497

EXAMINER

SINGH, KAVEL

ART UNIT	PAPER NUMBER
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3651

MAIL DATE	DELIVERY MODE
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05/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,056

Applicant(s)

VERDUIJN ET AL.

Examiner

Kavel P. Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/08/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 3/13/07 have been fully considered but they are not persuasive. Applicant argues that Coen does not disclose sliding faces located at sides of projections facing away from each other and spaced inwardly from the body part ends. However, Coen discloses side sliding surfaces (25) (Fig.1) of the link guides which as can be seen are spaced inwardly from the body part (C2 L50-53). The embodiment in Figure 5 was utilized to disclose the U-shaped cross section which satisfy the features as claimed. Since no other pertinent arguments were presented, claims 1-17 stand rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4,9,10,11,12,14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Coen U.S. Patent No. 5,586,644.

Regarding claims 1 and 18, Coen teaches a sheet-shaped body part (14) provided with a conveying face located at an upper side (17) of the body part, with hinge holes (15) included in the body part and with two projections provided at the underside of the body

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part, while sliding faces located at the sides facing each other of the projections, together with a sliding face located between the projections at the underside of the body part form a longitudinal guide with a substantially U-shaped cross section (Fig. 5), where the projections have been provided at a distance from the sides of the body part and that adjacent the projections, at the underside of the body part, sliding faces are located, each forming, with sliding faces located at sides facing away from each other the projections, a longitudinal guide with substantially L-shaped cross section (C2 L13-20).

Claims 2,3,4, and 16, Coen teaches hinge holes extend along a front and rear side of the module and where the cross section of the holes at the front and rear side differs per side at least locally and extend over at least the entire width of the body part (Fig. 1) (C2 L13-15).

Claims 9 and 10, Coen teaches sliding faces at the sides facing (125) each other of the projections extend substantially transversely to the underside of the body part (C3 L402-45).

Claim 11, Coen teaches part of the front or rear extending between the projections, the body part is provided with a driving face (C2 L30-33).

Claim 12, Coen teaches sliding faces on the sides facing away from each of the projections other extend substantially transversely to the underside of the body part. (C2 L50-52).

Claim 14, Coen teaches the body part and the projections are manufactured from plastic material (C1 L16-18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5,6, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coen U.S. Patent No. 5,586,644 in view of Van-Zijderveld U.S. Patent No. 6,581,758.

Claims 5,6, and 15, Coen teaches a body part is provided at a front or rear side, but does not teach two bulging hinge loops. Van-Zijderveld teaches two bulging hinge loops (6) with a recess located there between and where, on the opposite side, the body part is further provided with a bulging hinge loop formed correspondingly to the recess (Fig. 4) (C5 L49-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to employ hinge loops as taught by Van-Zijderveld into the invention of Coen in order to provide extra support for the pin to connect the chain modules.

Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coen U.S. Patent No. 5,586,644 in view of Van-Zijderveld U.S. Patent No. 6,601,696.

Claim 8, Coen teaches a chain module conveyor, but does not disclose a guide bend segment. Van-Zijderveld teaches a space between the sides of the projection facing each other for including a central projection of a guide bend segment is clear of obstructions (C2 L19-23). It would have been obvious to one of ordinary skill in the art

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at the time of the invention to employ guide bend segments as taught by Van-Zijderveld into the invention of Coen in order to provide additional flexibility to the chain module.

Claim 17, Cieb teaches hinge pins but that not are manufactured from magnetic or magnetizable material. Van-Zijderveld teaches teaches hinge pins are manufactured from magnetic or magnetizable material (C3 L22-24). It would have been obvious to one of ordinary skill in the art at the time of the invention to employ magnetic hinge pin segments as taught by Van-Zijderveld into the invention of Coen in order to provide additional flexibility to the chain module.

Claims 5,6, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coen U.S. Patent No. 5,586,644.

Claim 13, Coen teaches the height of the body part between the underside and the conveying surface is 12.8 mm (C2 L13-15).

The recitation of the dimension of the height of the body appears to be an obvious design choice and expedient in view of *Gardner v. TEC Systems Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984). The Federal Circuit held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device.

Allowable Subject Matter

Claim 17 is allowable.

Conclusion

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Kavel P. Singh whose telephone number is (571) 272-2362. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KPS


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER